

08 CR 372

NOTICE OF PRESENTMENT

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This is "NOTICE" for the court that I, Eduardo Rafael Velazquez have mailed notarized and signed original copies (with a total # of pages being 34) of duly verified sworn Declarations of Facts/Rebuttal, inclusive of supporting Appendices to the Public Record Docket No. 08CR372 on the 30 day of October, 2013 via U.S. CERTIFIED REGISTERED MAIL. 7012 3050 0001 3690 6801

ATTENTION CLERK: Please send a stamped received copy of the attached documents to:

Eduardo Rafael Velazquez
#40433-424
METROPOLITAN CORRECTIONAL CENTER
71 W. Van Buren St.
Chicago, IL 60605

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MB

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

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1000 8th and 1/2 Street

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DECLARATION OF FACTS AND NOTICE OF INJURY, CONFIRMATION OF 'AGREEMENT & ACCORD'

Date: October 24 2013

Cert. Reg. Mail# 7012 3050 0001 3690 6801

alleged title: "USA v. EDWARD R. VELAZQUEZ"

alleged case#: 08CR372

From Proponent: Eduardo-Rafael:Velazquez, Secured Party, UCC Doc. No. 2013-263-0609-2
To Respondent(s): Brian Hayes, James B Zagel, James I MarcusGuarding, preserving, protecting and implementing the opportunity for Absolute Truth to
BE by the Absolute Knowledge from within absent limits;

WITH DUE STANDING, AUTHORITY and AUTHORIZATION, all rights reserved, without recourse, without prejudice, public policy, UCC 1-308, the undersigned bondservant, state of body, one of "the one People" (as defined per UCC Doc. No. 2012079290), eternal essence Incarnated (as defined per UCC Doc No. 2013032035), divine spirit incarnate (as defined in Apostolic Pontificate), public policy, UCC 1-201(31) and (33), knowingly, willingly, and intentionally makes and gives this NOTICE OF INJURY, CONFIRMATION OF AGREEMENT AND ACCORD, and DECLARATION FOR SUMMARY JUDGMENT for Respondents Brian Hayes, James B Zagel and James I Marcus, in alleged case#: 08CR372, this 24th day, of October, in the year of our creator, Two Thousand and Thirteen as the creator lives; Without dishonor, the following is true, correct and I am competent to say so:

1. THE GOVERNMENT HAS CONCEDED THE ISSUE(S) BY VIRTUE OF UNCONTESTED DULY VERIFIED SWEARNED AFFIDAVITS OF REQUEST FOR PROOF(S) OF CLAIM; In a Peremptory Rebuttal and Challenge to the validity of twelve presumptions ~~MAP VENGEANCE~~ of Canon Law 3228 pursuant to APA 5 USC § 556(d), the Respondents have now claimed, proffered, and admitted they are violating their public oaths, have no immunity, that Proponent is not a "thing" and cannot be detained, and that the court lacks CONSENT, PERSONAM, and SUBJECT MATTER, as well as TERRITORIAL JURISDICTION and therein cannot indict, prosecute or imprison Proponent, and; have now proven that they have no answer to the claims that they are as a matter of fact, law, record, and public policy, GUILTY of committing FRAUD ON THE COURT, PROSECUTORIAL MISCONDUCT, and ABSENCE OF JURISDICTION, unrebutted, unrebuttable, which are violations of certain Constitutional proportions that have not and cannot be overcome by the Respondents, and; which require immediate DISMISSAL WITH EXTREME PREJUDICE 'SUA SPONTE' via SUMMARY JUDGMENT in favor of Proponents' WRITTEN ALLOCUTION IN LIEU OF SENTENCING filed on 8/20/12; Since the Respondents violated the APA, then their silence can only be equated with fraud; See US v. Pruden, 424 F.2d 1021(1970); Under the authority of the Administrative Procedures Act, 5 USC § 556(d)-Burden of Proof, "the proponent of a rule or order bears the burden of proof;"

2. The Respondents, in spite of various separate attempts by virtue of uncontested duly verified sworn declarations pursuant to public policy, requesting all Proofs of Claim, have also refused to answer all discoverable questions related to Constitutional issues, jurisdictional structural errors, judicial bias, prosecutorial misconduct, ineffective/incompetent counsel, inclusive of requests for production of certified sworn documentation including their i.d., both private and public oaths, standing, authority, accommodation agreement and the principal of law they are using to 'proceed summarily' without "express" written acceptance and consent from Proponent, and; therein causing, confirming issuance of this NOTICE OF INJURY, and; thereby stipulating, admitting, ratifying they are in "AGREEMENT AND ACCORD" via tacit procuration that they are knowingly, willingly, intentionally causing Proponent a "concrete injury" via ipso facto unlawful, illegal detainment, and; that they are knowingly, willingly, intentionally, as a matter of fact, law, record and public policy, by their own default, GUILTY of engaging and conspiring via deceptive acts, practices, fraud, to commit said injury.



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and; due to such devise, there never was an *ipso facto* lawful, legal claim, verified PLEA BILL or signed indictment, valid plea agreement, or enforceable conviction, or authority to prosecute via the invalidity of 18 USC § 3231, *ab initio*, and; the lack of (a) Full Disclosure, (b) Equal Consideration, (c) Lawful Terms & Conditions, (d) Signatures of both parties (i.e. the entities "USA", "EDWARD R. VELAZQUEZ" cannot sign because they have no Right or Mind to contract since they are soul-less legal fictions, and no 3rd party can lawfully sign a contract on their behalf), constitutes knowing, willing, and intentional commerce/contract fraud, and; anything of the sort is hereby DISCHARGED with prejudice, public policy, UCC 3-601/3-603, *nunc pro tunc*, for cause, quashed, 'non-assumpsit,' and 'dead in law,' *ab initio*, without resort for any tribunal, due to being presented in fraud, and; bad faith absent proof exhibiting endorsement by Respondents named herein stipulating specific plenary knowledge of voluntary acceptance and consent to ALL material facts related to their claims absent any devise, and; such *soysmal* fraud committed was agreed to assiduously, knowingly, willingly, intentionally by Respondents, and; such deliberate fraud expressly demonstrates the Respondents' blatant malfeasance, vexatious prosecution, pernicious state of mens rea, thereby quashing any and all other Guild matters, past, present, future, FOR CAUSE, with prejudice, without dishonor, *ab initio*, and; all other unilateral, unconscionable, public policy, UCC 2-302, contracts, agreements, debentures, oledges, covenants, signatures, hypothecations, presumptions, units, promissory notes, incident reports, instruments, SS5 cards, voter cards, birth certificates, licenses, securities, liens, 1040's, bonds, bills, i.d.'s, statements, proffers, property(ies), inclusive of all chattels, general intangibles, payment intangibles, and accounts are hereby, abolished, null and void, declared seized, *ab initio* thereunder, and; all past, present, future claims, registered, unregistered, legal, equitable, political, commercial, statutory, administrative, ecclesiastical, personal, private, public, quasi-public, or any other form of any other forum state are also hereby and herewith DISCHARGED, with prejudice, public policy, UCC 3-601/3-603, *nunc pro tunc*, *praeterea*, *oreterea*;

3. Therefore, the fact of the matter stated remains, in re to "CIVIL WRONGS AND CRIMINAL ACTIVITY," and Respondents' tacit admission, acquiescence, dishonor, default, bad faith, and "unclean hands"; Respondents were legally, lawfully "noticed" pursuant to public policy that such "actions" of peonage under the old foreclosed statutory system was/is an "express" "representation" of knowing, willing, intentional perpetration of SLAVERY SYSTEMS (see Paradigm Report, www.peoplestrust1776.org) absent a lawfully binding contract, that would incur a NOTICE OF INJURY and CONFIRMATION OF AGREEMENT AND ACCORD, and; that such OPPT foreclosure anulled the legal efficacy and binding force of a previous act, inclusive of any prior presumptive compliance/obligation made in ignorance, including; any acceptance, assent, consent, and/or contracts, agreements, etc., of which none exist due to Respondents' concession, said foreclosure notwithstanding;

4. The constructive principals, alleged "USA and "DOJ," *de facto* or *de jure*, by and through and in concert with Respondents is EQUITABLE ESTOPPED from "proceeding summarily," leading, proffering, manifesting 'defenses,' alleged immunity(ies), or other contrivances, obfuscations, or obstructions, *de facto* or *de jure*, for acts or omissions, misconduct, malfeasance, nonfeasance, and misfeasance, without lawfully established parameters, jurisdiction, consent, delimitations, and lawful law, standing and authority, if any, of specific performance of the codified consensually contracted public duties and obligations and compliance in letter and spirit with the *terram terrae* (law of the land) as apposit and applicable to each and every act and omission of the cited Respondents, whether they act in their public official or natural capacity, or both;



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5. Any fiction-of-law subdivision or progeny of the alleged "USA" miscarrying, trampling, abrogating, or otherwise failing to bring forth rational evidence and factual proof by lawful document(s) of plenary compliance with the Bill of Rights 'standards and doctrines' does not possess the capacity, or in the alternative, lawfully procretes any cognizable standing in case and controversy for implementation, enforcement, or application of its implied administrative jurisdiction and mandates, and its tacit abnegation renders nugatory and a nullity any defense of alleged violations of law, the "UNITED STATES CODE" (USC), "STATES OF..." codes, and progeny by-product thereof;

6. Tacit procuration as proffered and materially evidenced in response to a prescribed usage of a PREEMPTORY REBUTTAL is actionable by Proponent/Secured Party for Respondents failure to perform contractual public duty(ies) and codified trust in good faith, as same have been bonded by the consensual contract "Public Oath of Office" and debt security instrument of the public officer, agent, actor, employee, or licensee (Respondents) having knowingly, willingly, intentionally undertaken lawful assumpsit; Said tacit procuration is Absolute Truth and valid absent absolute rational proof and factual evidence or rebuttal that the act(s) or omission of the offending voluntary commercial indenture (Respondents) is in compliance with the Bill of Rights 'standards and doctrines' serving as a primordial jurisprudence foundation of all lawful acts and commissions of said voluntary commercial indentures functioning within the lawful parameters of the delegating now-foreclosed statutory authority and lawful implementing administrative progeny regulations, policies, and procedures; The tacit procuration as proffered is irrefragable and unrebuttable absent lawful standing for denial tendered and substantiated post-declared "FAIR & LAWFUL NOTICE";

7. The ratiocination and syllogism as the rational basis for tacit procuration as tendered conveys the controlling jurisprudence and philosophy of law for redress of tortious conduct set forth, TO WIT;

8. A created entity, be it a government, an office, or fiction-of-law creation, may never usurp or rise to that greater than its creator, a major premise;

9. The Founding Fathers engaged in their sovereign law capacity knowingly, willingly, intentionally creating and constituting 'governments', local, state, and national pursuant to the principles, progeny, and philosophy of the American jurisprudence, commencing with the Original Jurisdiction effecting the delimited controlling instrument, the organic Constitution of these United States of America, 1791 as amended, a secondary premise;

10. Therefore, the alleged "DOJ" and "USA", in all their forms, de facto or de jure, and all of the fiction-of-law creations as by-product and incidental thereof including offices, officers, agents, actors, employees, or licensees, acting as voluntary commercial indentures, namely the Respondents, is/are inferior to the nature and capacity of the creator(s), the American Native natural born, namely the Proponent/Secured Party, a major premise;

11. The cognizable protective Bill of Rights codifies and holds high plenary standards for the protection of the Proponent, a natural born man, a cognizable duly Secured, proper party as established by law, who encounters by contract or proceeds in opposition to the alleged "USA" and "DOJ" Federal government, de facto or de jure, and its acts and commissions which are consequential to the life, liberty and property of Proponent, an American Native natural born man, a major premise;



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12. In effect, it is proclivity of the Respondents not to answer for they cannot produce a "dead bang winner" and they have not, wherefore Proponent must be set free; The Absolute Truth is that Proponent did not intend to commit a crime, did not intend to hurt anyone, did not have "mens rea," hence did not commit any crimes, unrebutted, unrebuttable; The only crimes here are the ones committed knowingly, willingly, intentionally by Respondents using fear, coercion, threats, and intimidation to deceive Proponent into accepting the "position of the accused," "thing," and "ward of the court" via fraudulent devise for private BAR Guild profit and gain;

13. James B Zagel has violated his public oath of office and is practicing law by preventing Proponent from filing/mailing anything into this alleged case by instructing 3rd party prison staff at MCC CHICAGO to unlawfully, illegally commandeer, intercept, abscond, claim, steal, open and stop all Proponents' legal mail, as evidenced by Incident Report# 2478038, in Appendix "Blas" & "Salas", inclusive of impairing a lawfully binding contract (see Appendix CN), a constitutional violation of the 'obligation of contracts' at "I-10-1";

14. James B Zagel has denied and restricted Proponent from his fundamental and Constitutional right to effective "assistance of counsel" (6th Amendment) via non-acknowledgement of Proponents' hand-written Motion to Recuse dated 2/22/11 (see Written Allocution 8/20/12) and by forcing Proponent to employ ineffective/incompetent counsel with detrimental conflicts of interest via James I Marcus for 2.5 years since the original date of that motion, as evidenced by Proponents' 'Offer of Proof' and Appendix "Proof" and said motion to recuse; Further, James B Zagel has denied Proponent from Due Process of Law while trying to forcibly proceed summarily with sentencing without addressing any ultra-vires issues as evidenced by the sentencing date scheduling absent consent in Appendix "RESET";

15. The alleged charges against the entity "EDWARD R. VELAZQUEZ" are based on 18 USC § 3231, but Title 18 is not valid law because it was never passed according to the Quorum Clause of the Constitution, Article I, Section 5, and; the alleged DOJ is fraudulently representing a foreclosed foreign entity the alleged USA, and; Respondents are further in direct violation of the Citizens Protection Act of 1993, such as (a) ABSENCE OF PROBABLE CAUSE SEEKING INDICTMENT, (b) ACTING TO IMPEDE RIGHT OF DISCOVERY, (c) FAILURE TO RELEASE INFORMATION THAT WOULD EXONERATE, (d) ATTEMPTING TO INFLUENCE/LIMIT TESTIMONY TO GRAND JURY, (e) and FAILURE TO ALLOW HIS RIGHT TO DEFEND HIMSELF BEFORE THE GRAND JURY in violation of the Constitution; These contrived knowing, willing, intentional violations also lead to a violation of the Anti-Kickback Act by the Respondents and all other alleged government participants involved in this matter with re to the CUSTA QUE TRUST and any and all "prisoner bonds" being issued unlawfully against Proponents energy and duly Secured Value as sole ipso facto lawful, legal REGISTERED, indefeasible title owner, custodian, and trustee of his BE'ing, any and all creations therefrom, and property thereof, as Secured Party, Holder-In-Due-Course, who has/does knowingly, willingly, intentionally adopt, reconfirm, and ratify the following DECLARATION OF FACTS as his own duly verified due DECLARATION OF FACTS, nunc pro cunc praeterea praeterea, UCC Doc. No.'s 2012127810, 2012127854, 2012127907, 20121279414, unrebutted, as a matter of law, fact, record and public policy, restated, and incorporated here by reference as if set forth in full, original notice of DECLARATION OF FACTS by notorious public registration made and given by the One People's Public Trust 1776, hereafter "OPPT";

16. Henceforth, pursuant to Propeller Genessee Chief, supra and 27 CFR 72.11, all crime, Federal or State, are purely "commercial crime"; Therefore, all law is commerce, all commerce is contract, and all contract is private Contract Law; Hence, Respondents actioning Proponent absent a lawfully binding contract equates to absence of joinder,



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therein equaling no case at all, and; Proponent is imprisoned by devise for Guild profit/gain; A contract is the Law, and contractual financial liability is all that matters, and it must be proven for "all crimes are commercial and ruled by Negotiable Instrument Law UCC 3-104"; see "Eerie Railroad v. Tompkin (1938);

17. Pursuant to alleged Title 28 USC § 3002 (15)(a), Brian Hayes is knowingly, willingly, and intentionally representing a corporation, the alleged UNITED STATES OF..., inclusive of any variants thereof; A fictitious plaintiff, and he is bringing a Maritime claim upon which relief cannot be granted on the false presumption that an implied Maritime contract exists between the alleged USA, the entity "EDWARD R. VELAZQUEZ" and Proponent himself; A real crime in the Law under the organic Republic requires a "corpus delecti," a living injured party, and the foreclosed USA corporation cannot be the "body of a crime" or an injured body because it is artificial fiction which was foreclosed since 12/25/12, unrebutted, unrebuttable; Hence Respondents have no right of action against Proponent whatsoever;

18. Each issue presented and conceded constitutes JURISDICTIONAL ERROR, which requires automatic reversal, see Carol Ann Bond v. US, No. 09-1227, 6/16/11, S.Ct. "any statute repugnant to the Constitution is void ab initio", or STRUCTURAL ERROR; Or allow Proponent to raise them as Constitutional violations due to the alleged court's lack of CONSENT, PERSONAM & SUBJECT MATTER jurisdiction, ab initio; Since the alleged court never had any jurisdiction over Proponent, as no contract exists, no plea agreement exists, no waiver exists, hence Proponent is falsely imprisoned for committing no crime, thus the alleged indictment and alleged conviction are null and void, ab initio for fraud;

19. Brian Hayes lied to the court that Proponent went to Brazil and violated his terms of bond; James B Zagel has instructed Blanca Lara to lie stating there was never a 2nd court session where Proponent declared in open-court to James B Zagel the existence of ineffective/incompetent counsel and that a conflict of interest exists while holding a hand-written motion to recuse James I Marcus and a hand-written letter addressed to James B Zagel himself and which was witnessed by several family members and close friends as well as two licensed BAR attorneys whom have all agreed to be deposed; James I Marcus lied to the court throughout this case and repeatedly to Proponent and his family regarding all aspects of the alleged case, including that James B Zagel placed an 'order of protection' denying Proponent all access to Discovery, and stating there is absolutely no remedy or recourse in the law for this case, and that the judge and prosecutor do not care about Proponents' constitutional unalienable rights and just has to "live with it";

20. Accordingly, the Supreme Court has stated that "if any tribunal finds absence of proof of jurisdiction over Personam or Subject Matter, that case must be dismissed" Louisville & Nashville R.R. v. Motley, 211 US 149 (1908);

21. The Respondents are hiding their fraud behind "color of law," and relying upon deceptive acts and practices to not have to produce any demanded sworn verified documentation and/or proofs of claim, that by their own action show it to be unlawful and fraudulent in contravention to the prevailing Supreme Court precedent on these issues;

22. The 5th Amendment to the Constitution requires: "no person shall be...deprived of life, liberty, or property, without due process of law...";

23. Proponent has irrefutably shown this alleged District Court that *1st Respondent* *356240*

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have failed/refused to reply to the uncontested duly verified sworn declarations of fact, corroboratory rebuttal, and demands for Cease & Desist, sworn notarized affidavits, and demands for Proofs of Claim that now stand as Absolute Truth, unrebutted, unrefuted;

24. See US v. Xie, 350 F.2d, 528, 7th Cir.(1965). "Indeed, no more than an affidavit is necessary to make the prima facie case...." Id at 536; "Moreover the threshold of relevance is a low one" Id at 537; "The burden is therefore on the Respondent who must come forward with special facts to support a legally sufficient rebuttal of defense" Id at 538-9;

25. See Access for the Disabled, Inc. v Island Inn Shores, Inc., (2012) US Dist LEXIS 11506 (6/19/12) "Although defendants motion and supporting materials contain a plethora of reasons why this action should be dismissed and why defendant is entitled to a judgment in its favor, the court finds that Doherty's uncontested affidavit is proof enough, especially in light of Plaintiff's failure to respond to the motion. Accordingly, the court grants the motion and dismiss the Complaint for the reasons stated in Doherty's affidavit and for the reasons stated in the motion. Defendant is entitled to Summary Judgment."

26. See Crooker v. Bureau of Alcohol, Tobacco & Firearms, 670 F.2d, 1051, Fr.7(1981) "In the present case, by contrast, the government submitted an uncontested affidavit to the district court....because it was uncontested, the affidavit is to be taken as true..."

27. In short, Proponent is imprisoned "for" committing no crime and restrained of his liberty by an illegal, unlawful process imposed by the Respondents; He is the victim of a fraudulent scheme, indictment, plea agreement and is being forced to proceed summarily without his voluntary consent; His conviction and resulting imprisonment was and is ipso facto illegal, unlawful since the alleged court claims its implied jurisdiction pursuant to 18 USC § 3231, (and Public Law 80-772) an invalid nullity that was never enacted into positive law and are unconstitutional on their face void ab initio because no quorum existed on 3/12/47 or 6/22/48 or 6/25/48, hence the alleged indictment and conviction are null and void as a matter of law;

28. The court lacks CONSENT, PERSONAL, SUBJECT MATTER, TERRITORIAL jurisdiction, unrebuttable, and the alleged USA is not a real party of interest, unrebuttable; The Grand Jury proceedings are ipso facto, unlawful, illegal and are irregularities that require reversal of the alleged case, unrebuttable; The alleged vote of the grand jury never took place and no concurrence form exists; The indictment was not presented in open court as required by FRCP6 and the Constitution; Brian Hayes was holding all of the grand jury records in violation of US v. Williams, S.Ct.(1992) and is holding a rubber-stamp of the grand jury foreman, hence the illegal indictment was robo-signed by Brian Hayes, unrebuttable; The doctrines of fraud, conspiracy, unfair dealing, and bad faith all undisputedly apply herein, barring the Respondents, who have conspired and colluded, from any relief, and requiring the alleged indictment and conviction be dismissed with extreme prejudice;

29. James I Marcus was/is ineffective, incompetent as a matter of law (see Appendix Proof) for failing to investigate the legal basis, facts and law, including lying, coercing, threatening Proponent to sign a plea instead of providing all discovery, and presenting a honest lawful remedial "dead bang winner" to the court; A presumption exists James I Marcus is still lying to the court and everything he says is by design and in collusion with the prosecutor and the judge for private Guild profit and gain, unrebutted, unrebuttable;



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31. Brian Hayes was/is engaging in prosecutorial misconduct, including but not limited to concealing evidence, destroying evidence, and lying to the court that Proponent had traveled to Brazil in violation of his terms of bond; Proponent demands, public policy, UCC 3-501, Brian Hayes to produce a duly verified sworn declaration attesting his false claim and further demands an investigation done to prove Hayes is a liar, as a master of fact and record, who will say and do anything to win, regardless of justice; Proponent notices the court that a travel visa is required in order to visit Brazil, hence a presumption now exists that Brian Hayes has lied to the court and is calculating, vile, dishonest and that anything he says to the court is nothing but a well contrived lie, unrebutted, unrefutable;

32. James P. Zagel has committed FRAUD ON THE COURT, PROSECUTORIAL MISCONDUCT and ABUSE OF JURISDICTION in collusion with Brian Hayes and James I. Marcus and with the assistance of Blanca Lira and Donald Walker, unrebutted; Included in the definition of structural errors, is the right to an impartial judge, i.e. the right to a judge who follows the Constitution and Supreme Court precedent and upholds the public oath of office, not his private Guild oath; See, e.g., *Neder v. US*, *supra*, 527 US at 8 "biased judge is structural error, and this is subject to automatic reversal"; See *Edwards v. Balisok*, 520 US 641, 647 (1997) "criminal defendant tried by a partial judge is entitled to have his conviction set aside, no matter how strong the evidence against him"; See *Johnson v. US*, 520 US 461, 469 (1997); *Sullivan v. Louisiana*, 506 US at 279; *Rose v. Clark*, 475 US 570, 577-78 (1986); *Tuney v. Ohio*, 273 US 510, 523 (1927); Hence, another presumption now exists James P. Zagel and Blanca Lira are both lying, via deliberate indifference to Proponents' rights to impartiality in order to cover-up the fact that Proponent did make a declaration in open-court directly to James P. Zagel (with hand-written motion to recuse and private letter addressed to Zagel in hand, complaining the issues) that there existed ineffective counsel, conflicts of interest and that counsel was in fact caught lying to several of Proponents family members; Thus an additional presumption exists that James P. Zagel is still voluntarily violating his public oath in favor of his private BAR Guild oath in order to proceed summarily to actually force Proponent into INVOLUNTARY SERVITUDE by imposing *in re facto* unlawful, illegal "draconian sentencing" (Eric Holder, 9/20/13) for private Guild profit and gain, unrebutted, unrefutable;

CONCLUSION

33. The Supreme Court has ruled that if the record discloses that the lower district court was without jurisdiction, the court will notice the defect although the Respondents make no contention concerning it; When the lower alleged federal court lacks jurisdiction, it is a matter of immediate dismissal; *US v Corrick*, 298 US 435, 440, 56 S.Ct, 829, 80 L.Ed. 1263 (1936); *Sumner v. Mata* 449 US 539, 547-548 n.2, 101 S.Ct, 704, 56 L.Ed.2d 722(1981); *Capron v. Van Noorden*, 2 Cranch 126, 127, 2 L.Ed. 229(1804); The obligation of notice defects in a court's SUBJECT MATTER jurisdiction assumes a special importance when a constitutional issue is presented; In a long and venerable line of cases, the Supreme Court has held that without proper CONSENT, PERSONAM and SUBJECT MATTER jurisdiction, a federal lower court simply cannot proceed at all, but can only note the jurisdictional defect and dismiss the cause for lack of jurisdiction; See *Capron v. Van Noorden*, 6 US at 127;

33. THEREFORE, Proponent orders the court to issue SUMMARY JUDGMENT in favor of his WRITTEN ALLOCUTION and dismiss with extreme prejudice "sua sponte" or in the alternative demands, public policy, UCC 3-501, Respondents produce a duly verified sworn order of CEASE & DESIST signed unconditionally, irrevocably, with wet-ink signature, within 72 hours of receipt as Respondents have conceded and are thusly in "AGREEMENT AND ACCORD";



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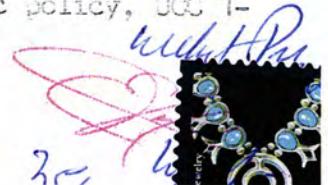
14. This traverse is presented as a duly verified *pro hoc vice* Declaration of facts, and via "T.O., T.O.R., must be taken as TNUJ pending production of counter-evidence; Proponent demands the court for immediate dismissal of the alleged case, a declaration of actual innocence, and to be set free as licensee with unimpeded plenary rights to freedom uncoerced without further delay from his illegal, unlawful detriment;

15. Proponent declares and notices Restraints that: "a judgment may not be rendered in violation of constitutional limits and guarantees," *Hanson v. Deckle*, 337 US 423, 255, 75 S.Ct. 422, 2 L.Ed.2d 1233 (1956); and "due process forbids even the appearance of vindictiveness," *Bordenkircher v. Hayes*, 434 US 357, 362, 28, S.Ct. 663, 54 L.Ed.2d, 304 (1974); and "without jurisdiction, any judgment is without due process and ineffective and all proceedings are void and of no value," 165 Am Jur 2d, Constitutional Law, 388c; and "an order, conviction, judgment obtained in violation of due process, obtained by force, obtained by collusion, or obtained without (consent, personam, subject matter) jurisdiction is void," *Stoll v. Cottis*, 305 US 165, 59 S.Ct. 134, 63, L.Ed. 104 (1939); *Bradley v. Fishburn*, 30 US 335, 551-552, 13 Wall 535, 20 L.Ed. 646 (1871); and "such court's clearly no jurisdiction over subject matter (or personam), any authority exercised is usurped authority and no excuse is permissible if the judge knows of his or his lacking such authority," *Angel v. Fullington*, *supra*, and "a void judgment is one that, from its inception, is a complete (fraud) nullity and without legal effect," *Holstein v. Chicago*, 803 F.Supp. 265 (7th Cir.1992); and "therein, the jurisdiction of the federal courts cannot be expanded by judicial decree whatsoever," *Kotzen v. Guardian Life Ins.Co.*, 511 US 375, 377, 114 S.Ct. 1673, 1675, 128 L.Ed. (1994); and so leave no reasonable inference to the contrary, without consent, personam, subject matter (see *prima facie* evidence *Appendix Redacted*), "the court cannot proceed at all, jurisdiction is implied power, not absolute power, to declare the law, and that it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause," *Uxpatente McCordle*, 74 US 506, 514, 19 L.Ed. 264, 73 S.Ct. 316 (1868); and that "a litigants failure to clear a jurisdictional hurdle, which can be raised at anytime without limits, can never be harmless or waived by the court," *Koresses v. Oakland Scavenger Co.*, 457 US 312, 322-324, 101 L.Ed.2d, 235, 108 S.Ct. 2465 (1988); and declares and notices that violations of the public oath of office are punishable under alleged 18 USC § 1621 for "Perjury of Oath of Office," which carries a 5 year prison sentence and a \$2,000 fine;

So it is written, so be it; Ignorance is no excuse for not knowing the Law; GOVERN YOURSELVES ACCORDINGLY;

YOU HAVE 72 HOURS TO COMPLY VIA SUFFICIENT VERIFIED RESPONSE AND ESTOPPEL IN PALE; NOTICE TO PRINCIPLE IS NOTICE TO AGENT, NOTICE TO AGENT IS NOTICE TO PRINCIPLE;

DULY ISSUED AS BEING DONE, MADE, ISSUED, ENTERED, RECONFIRMED, RATIFIED and NOTIFIED as a matter of fact, record, with due standing, authority and authorization, this 24th day of October, 2013, lovingly, knowingly, willingly, and intentionally made, given, and noticed, as infinite love and conscious absolute eternal essence, divine spirit incarnate, embodied, absolutely transparent in Absolute Truth and Absolute Data, with unlimited personal liability, sworn under the penalties of perjury in accordance with lawful Universal Contract, under governing law, UULO UCC Doc. No. 2012113593 and WA UCC Doc. No. 2012-296-1209-2, preserved and protected under perpetuity 2000/43135, guaranteed, protected and secured, public policy, UCC 1-103, common law remedy thereunder guaranteed, public policy, UCC 1-305; Duly witnessed, secured, entered and noticed; Without prejudice as promised, preserved, and protected, public policy, UCC 1-308, NUNC PRO TUNC, PRAETEREA PRETEREA;



UNDER RESERVE WITH COPY-CLAIM

By: CH Agent

Not a corporation, but a living soul

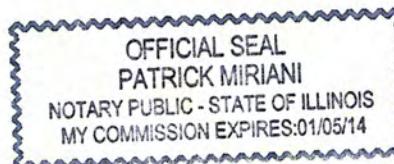
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356.1
Walters
V&J Jewelry
USA



Eduardo Rafael Velazquez
All Rights Reserved
Without Prejudice date: Oct 24, 2013
Eduardo Rafael Velazquez
as State of Body and Bondservant
Without Prejudice date: Oct 24, 2013
All Rights Reserved
Illinoian as State of Body and Bondservant

10/24/13 I hereby duly verify, affirm and swear under the penalties
of perjury of the Republic, Original Jurisdiction (USA) that
the foregoing is true, correct, complete and not misleading
and I am competent to say so. Witness my hand and seal.
By: Without Prejudice Catharina Paralis Aphrodite Paralis
as Attorney-in-Fact for Eduardo Rafael Velazquez,
Severed party, UCC Doc # 2013-243-0609-2



Patrick Miriani
10/24/13

WITNESS TO
Aphrodite Paralis
on 10/24/13



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By: SCF, Agent
Not a corporation, but a living soul



Declaration of Facts and Notice of Physical Bodily Harm/Injury & Tortious Claim

Date: October 3, 2013

Cert. Mail # 7012 3050 0001 3690 6501
alleged title: "USA v. EDWARD R. VELAZQUEZ"
alleged case# 08-CR-00372

From Proponent: Eduardo-Rafael: Velazquez, Secured Party, UCC Doc No. 2013-263-0609-2

To Respondents: Brian Hayes, James B Zagel, James I Marcus, et. al MCC CHICAGO Staff

1. My Name is without prejudice Eduardo-Rafael: Velazquez, Secured Party UCC Doc No.

2013-263-0609-2

2. I am duly Secured proper Party, and I am not the fictional entity "EDWARD R. VELAZQUEZ";

3. I am over the age of 18 years and duly verify, make, give, issue this sworn declaration of Facts under the penalties of perjury of the Republic, Original Jurisdiction (usA) and swear the following is true, correct and I am competent to say so:

4. On September 26, 2013, around 5:30AM, the on-duty male CO came to wake me for court;

5. At 7:30 AM, the female CO Cordova made court callouts, at first failed to call me, but then corrected herself about 5-10 minutes later and told me to go down to the 5th floor "R&D";

6. On the 5th Floor, I inform the Co (black male) I was not accepting the offer to go to court and not consenting to the proceedings as stated on the Public Record, and that I'm not the entity on the docket

7. The male black CO said "Ok, that's no problem, come with me";

8. He led me to a room with a video camera and big window and told me to wait;

9. About 5 minutes later, he came back saying "You MUST make an appearance, Judge's Orders"; I said "I have already voided and cancelled the court's Enabling Clause" via my court filing a day before, and that the word "MUST" actually means "MAY" (Black's: MUST)

10. He left again but returned with the Captain Salas and Lt. Walker who were showing extreme fury on their face, the Captain said "listen to me, you cannot and will not refuse court, I just spoke with judge and he wants you there no matter what, so let's go, one way or another you're going to go"; I showed them a color copy of my "Appendix RESET", and;

11. I respectfully replied "I am not the entity on the court docket in all-caps name, I own a commercial and intellectual proprietary interest in the FICTITIOUS NAME REGISTRATION # G13000093388 OF "EDWARD R. VELAZQUEZ", and I have made a material alteration via prima facie evidence of my 'express' 'representation' for all rights reserved, without recourse,

one of eight

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By:  Agent
Not a corporation, but a living soul

(22)

Wichita
35674
11/13
